

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**NELSON GOMES, MICHAEL
LUCKHOO-BOUCHE, SHANE
SCHMIDT, DOUGLAS ROE, KELLY
WARAWA, FFS CAPITAL LIMITED,
PAIFANG TRADING LIMITED,
ARTEFACTOR LIMITED, ATLANTAN
MANAGEMENT CORPORATION,
MEADOW ASIA LIMITED, and THYME
INTERNATIONAL LIMITED,**

Defendants.

Civil Action No. 20-CV-11092-FDS

PLAINTIFF’S MOTION TO FILE SELECT INFORMATION UNDER SEAL

Pursuant to Fed. R. Civ. P. 5.2 and Local Rule 7.2, plaintiff Securities and Exchange Commission (the “Commission”) respectfully requests that the Court permit it to file under seal a portion of its Memorandum of Law in Support of its Motion for Civil Penalties Against Defendants Douglas Roe and Atlantean Management Corp. (the “Penalty Brief”). The Commission is simultaneously filing on the public docket a redacted version of the Penalty Brief which redacts a paragraph of text and, upon the Court’s granting of this motion, intends to file an unredacted version under seal for the Court’s consideration.

In support of this Motion, the Commission states that an aspect of the legal analysis relevant to whether the Court should impose civil penalties on the defendants involves the defendants’ degree of cooperation and honesty with authorities. *See SEC v. Weed*, 315 F. Supp. 3d 667, 677 (D. Mass. 2018). A complete discussion of this factor may implicate confidential information that should be redacted from publicly filed documents. While not of the same

categories as information that should automatically be redacted under Fed. R. Civ. P. 5.2(a), the information that is proposed to be filed under seal is similarly private information that it may be detrimental to release publicly. Further, the redacted information represents a very small portion of the Commission's Penalty Brief and the redaction and sealing of this paragraph would not interfere in any meaningful way with the public interest in understanding and accessing the reasoning behind the positions for which the Commission is advocating.

Counsel for Roe and Atlantean assent to the Commission's request to file under seal the unredacted paragraph referenced herein and expect that the defendants will make a similar request when they discuss the relevant information in opposition to the Commission's motion.

WHEREFORE, the Commission respectfully requests that the Court enter an order allowing the Commission's motion to submit an unredacted version of its Penalty Brief under seal, and keeping that unredacted version under seal until further order of the Court.

SECURITIES AND EXCHANGE COMMISSION
By its attorneys,

Dated: August 12, 2022

/s/ Kathleen Burdette Shields
Kathleen Burdette Shields (Mass. Bar No. 637438)
33 Arch Street, 24th Floor
Boston, Massachusetts 02110
Tel: (617) 573-8904
Fax: (617) 573-4590
shieldska@sec.gov

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

I have communicated with counsel for Douglas Roe and Atlantean Management Corp. and that counsel assents to the Commission's request that a portion of the Penalty Brief be allowed to be filed under seal.

/s/ Kathleen Burdette Shields

Kathleen Burdette Shields

CERTIFICATE OF SERVICE

I hereby certify that, on August 12, 2022, a true and correct copy of the foregoing document was filed through the Court's CM/ECF system, and accordingly, the document will be sent electronically to all participants registered to receive electronic notice in this case.

/s/ Kathleen Burdette Shields

Kathleen Burdette Shields